### SHERMAN.

Tenant and Landlord Have a Little Mill and the Latter is

Special to the Gazette.

Sherman, Tex., Feb. 4.—There was a pleasant social part, and dance last night at the residence of Clarence Elliott on South Truis street. The occasion was enlivered by the presence of a dozen or more of the most charming young indies of the city, and an equal number of general copy.

Chairman Commettee. enlivered by the presence of a dozen or more of the most charming young ladles of the city, and ren equal number of gentlemen who are noted for their gallantry and agreeable qualities. They enjoyed a splendid feast, and to the enchanting strains of good music the dance was protracted until after 2 o'clock this morn-

The county coert, with Judge Gregg presiding, begun the trial of the case of the state of Texas against J. F. Hook, for aggravated assaut on P. P. Hook, restarday, before a jury, and the argument was concluded this afternoon by C.

B. Rundell for the state.

The defendant, Hook, was a tenant of Houk, and they had a difference on the subject of rents, but came to the city to-gether and settled it unicably, as every one thought. They left for bome, a few miles southwest of the city, riong in the bottle, which was frequently referred to in the course of conversation inaugurated, in which the yourger and stouter participant, J. F. Ho k, nearly manifed the life out of Mr. Houk, and injured one of his eyes so that his sight is scriously lejured, and the doctors say

Justice Hinkle is wrestling with a suit for forcible entry and detainer between a contrary old negro named Simon Ladd and Dr. J. S. Sanaders of Bonham. Ladd had a suit several years ago tovolving a boundary line to his little farm, two miles west of the city, and becoming distrustful of the honesty of his Sherman attorneys went to Bonham to get a lawyer who would do justice by him, as he sald. To secure this attorney in his proper fee Simon pledged his land, and then refused to pay the money. The defendant, Saunders, at last had him evicted, and now comes Simon to regain possession with a pau-per's oath all-d in lieu of a cost bond. Justice Hinkis, on motion of defendant's counsel, raised him to a bond for costs, and at this time the case stands in abey-

Sufficient surities, as the statute requires.

Dave Nuckols of Bells, who is held in jall for assault to murder John Lea, the marshal of Bells, with a knife Saturday night last, waived examination before the esquire and was remanded to custody until bond is made.

F Pierce and Jim C. Lea, a brother of the marshal, came over to attend the trial last evening and returned on the H:15 train to-day

The young gentlemen members of the has visited the city in the past, and considering the landable on pose they have treaty with the United States codes in view we be speak for them a full house, dome. They give their show at the opera-house Friday night, the 12th instant.

N. M. Drye of Pilot Grove was here among his old friends to-day.

J. L. Turner of the Texas Pacific with ut authority or color of truth. K. K Legett, Esq., and Mr. W. J.

Bryan of abilene, spent last night in Sherman, on their way home from the Odd Fellows grand lodge at Paris, and went south over the Central road to-day. J. E. Tully of New York, J. O. Bar-bour and A. E. Ward of St. Louis, Fred Milibelser of New York and H. B. Son-born of Houston, accompanied by Mr. Stelluman of Faxette county and Mr. Kennestay of Limestone, are among the vis-

There is no narcotic in Red Star cough | special to the satette. cure; still it always cures. Price, 25

## AN EDUCATIONAL EXHIBITION.

New Feature to be Auded to the State Teneners' Association this Year, Trenin, Tax., Fob. 1, 1886.

"Pa Renentors and Buards of Crustees: At the last meeting of the Texas State Teachers! association it was decided to old during the session of the association this year and in connection with it an ational exhibition, and the following committee was appointed to arrange for the same: Percy V. Pennybacker of Tyler; J. L. Beinghurst of College Station: J. N. Gallaguer of Waco: Mrs. W. D. House of Waco: Miss Eduabeth Speer of Whitesboro; Mrs. A. L. Spear of Mans-

The objects and benefits of such an exsition must be seen by educators and thinkers The came arguments obtain for an educational exposition that do for exsitions is other lines of work. Hence is confidently expected by the friends of education that the coming exhibition will awaken more thought on education, and result in more direct and practical good to the profession and the children then any single move-ofore set on foot in the state. It is intended that the exhibit, as an edu-cational one, shall be antiversal in charac-The commistee have as yet not had a conference, and hence have not formu-lated its pish of operations, but in order shirt exhibitors may now have something by which to be pulled we would say that with possible and probable future medifications the exhibit will be organized into the following eight departments:

1. Department of higher education,

netading work of literary solversities, olleges, properly so called, and the State

2 Department of city public graded chools, isoloding all schools to the order

ion extend beyond that of the or-

peut of industrial education

erayon-work, water-colors and all other forms of decorative art to be a shibited by city schools and private institutions.

6. Department of school architecture, including also ventificing and heating ap-

7. Department of school books, bound Used Up.

7. Department of school books, bound pedagogo literature and school journals.

8. Department of school furniture, apparetus and supplies—Each member of the committee will be the head of one or more desartments. The distribution is yet to be agreed upon and amounced. Every educator who is alive to the demands of duty will put forth his best endeavors to have his work well represented. To make an exhibit will cost some supplies.

Mrs. Winslew's Soothing Syrup should a ways be used for children teetbing. It coothes the child, softens the gams, al ays all pain, cures wind colic and is the best remedy for diarrhea 25 cents a

### A GOOD ONE PROM CHICAGO.

What Can St. Lants Bring Up as an Offset! Chosts Catore?

Chicago, M.L., Feb. 4—At the meeting of the Western Society for psychical research held Tuesday evening, Dr. A. Reeves Jackson, president of the society made the remark that there were over 1500 haunted houses in Chicago, houses which long remained tensutiess because of the prevailing opinion that ghostly apparitions and mysterious sounds had been seen and heard in and about them by varius persons. When called upon yearing persons. When called upon yearing persons. When called upon hy varius persons. When called upon yearing persons. When called upon hy varius persons. The saction to so much of the defendant's authoritor in charge, reported a much larger one "He further said that the committee proposed to rent some of these houses and quickly prosecute inquiry into the subject.

Opinion by Robertson, J.

Missourt Pacific Ralway Comgany vs.

J. Doty, appeal from Houston. Where the periton is good upon general demorrar an assignment of error, that the marrer an assignment of error, that the considered by this court.

In an action to recover the value of property destroyed by fire through the peritons to so much of the defendant's authoritor to some of the counties of the court did not err in sustaining an exception to so much of the defendant's authoritor to some of the counties.

Holloday et al. vs. A. G. Steele, pp. peal from Brazos. The sheriff's return on the citation was as follows: "Came to hand on the 12th day of February, 1881, at 11 o'clock a m., and executed the counties of the court did not err in sustaining an exception of the defendant's authoritor to the court did not err in sustaining an exception to so much of the defendant's authoritor to some of the court did not err in sustaining an exception to so much of the defendant's authoritor to the court did not err in sustaining an exception to so much of the defendant's authoritor to the court did not err in sustaining and exception to some of t

matism, neuralgia, liver complaint, and on both defendants, (Ring vs. Goodson, sometimes from general prostration.

Brown's from Bitters is the very thing for them. Br. G. N. Robertson of Elm Grove, N. C., says: "I prescribe Brown's shows that two citations were issued or rou Bitters, and find it all it is recommended to be." It cures dyspepsia, Opinion by Robertson, J. weakness and mala ia.

### WHO OWNS THE LANDS?

tles in North Dakota.

HURON, D. T., Feb. 4 .- The commiser-general of the land-office has made starting discoveries that the Indian title about 1,000 000 acres of land in North Dakota has not been extinguished, de-The young gentlemen members of the spite Secretary Teller's order in October, Grayson Rifles who are preparing for an 1884, opening these lands to the subsequent minstrel show as a benefit for the quent settlement by the inhabitants of company had a reheareal last plant and company had a rehear-al last night and what may comprise fourteen or lifteen did spleudidly. We know enough of the counties, some of which are o ganized talents of those engaged to a sert to our people that this will be equal if not superior to any minute en e tainment that letter to the surveyor general of Dakota. shows that the Pembina-Chippewas' treaty with the United States ceded the and believe it will be packed from pit to country lying west and north of Devil's dome. They give their show at the Lake still belongs to the Indians, but opera-house Friday signt, the 12th instant.

A gentieman was in the city yesterday purchasing presents for a wedding that will come off on the 17th inst. between one of Grayson county's most lovely daughters and a popular physician of Mc-kinney. The neighborhood of Coilins-ville will be fully advised of the event, and at least one inscription on the presents given will be complimented for its appropriate and poetic beauty.

Mr. Hienry Myers of Honey Grove is Mr. Henry Myers of Honey Grove is decided that the indian claim was not well founded and in 1884 this tract was relating friends in Sherman. decided that the Indian claim was not thrown open to settlement. Commissioner Sparks states that in view of these facts and the presumption that the question should be submitted to congress, he has his worthy assistant, J. L. Larkin, are in decided to suspend all the surveying conthe city to-day. Mr. Turner says all tracts in this district indefinitely. Porstatements heretofore published of his tions of the Grand Forks and Bismarck severing his connection with this road are land districts are also affected by this

"Let me write the ballads of a nation," said a wise man, "and I care not who makes its laws." This is true, and it may also be said that the discovery of S Jacobs Oil, the conqueror of pain, has Jefferson. The statute now in been of more value to the world than the Andleg of a comet.

## HER HUSRAND MURDERED HER.

Afree All, it Wasn't the Deed of the Austin Frends.

San Antonio, Tex., Feb. 4 -The jury of inquest in the Patry Scott murder case suded its labors this afternoon, having been in secret session since Saturday. was found at the Chaudler residence. Contrary to the general expectation, the verdict charges that Party Scott came to her death, on the 27 h of January, from Stayton, blows in the head inflicted with a hatchet held in the hands of Henry Scott, her from Houston. This was mandanus to husband. Aside from the numerous compatible country indee a transfer the threats and attempts to take her life, evidence against him is very strong. consists of an embroidered sacque wors as a corset-cover, an which there are seventhal the wife of the county indge and the erai bloody spots. It was found in Hen-ry Scott's trunk at the Central hotel, and when compared with the chemise worn by the murdered woman on the night she through the wife of the appellee was not by the murdered woman on the night she was murdered and outraged, which was as the husband may suc for any claim due also bloody, the spots coincide exactly in the community without being joined by declared that he had never been at the Chandler residence. In lurther identin-she could be were she a party to the cathin of the sacque Mrs Chandler swore nositively that she gave it to Party Scott, may be indebted and the sum to be re-and she believed that the woman had it

stantial, the coroner and members of the wife's interest. In the case here the appeal from Beagos. Where the reputato convict Scott with the crime beyond lated to one of the parties by affects not put to issue by the opposite party, the possibility of a doubt, and that his under the provision of the constitution no witness being called to testify as to neck will pay the penalty on the coming and statutes. Reversed and remanded: print. In this was of the case, the theory opioical by Stayton, J. that the murder was executed by the City of Lar Austin dends falls to the ground, though from Wesh. there are some who cli g to that view.

I tried Torgaline apon myself for facial wralgia, and it gave immediate relief I also tries it upon one suffering intense pain from neuralgia of the head; one dose

## C. W. DUVAL, M. D. Pineville, Mo.

Closing Dawn for Want of Cont. district will have to shut down.

Michell Bros' at their old stand wast If the good mules and horses in the man et, and will pay spot east for them.

THE RIGHER COURTS.

Decisions Rebdered at the Galveston Sitting of the supreme Court.

Porter et al. vs. Burkett et al., appeal rom Tyler. The measure of damages ecoverable by an employe when he has been prevented from performance of resecutive to the order of cefault of his employer is the natural and probable profits bis contract would have, yielded him if performed according to, its terms, and not the gross amount he would have received under the terms of the contract.

That the plaintiff could have protected

imself from losses consequent upon defendant's default by obtaining other and different employment is matter of defense, and the plaintiff need not allege in his petition that be could not have thus aved himself from loss. Reversed and remanded. Opinion by Willie, C. J.
S. & E. T. Ry. Co., vs. B. J. Johnson, appeal from Potk. The measure of dam-

ages for negligently delinging the land of another, there being no permanent ap-propriation, is the value of the products, including fruit trees destroyed, and not difference in the value of the land before and after the deluge. A recovery may be had for the value of the grass submerged, but not for expense of acquiring new pastures and driving cattle thereto.

The right to recover for growing grass is with the owner of the land, and not the owner of cattle with a right to graze on the land. Reversed and remanded. Opinion by Robertson, J.

Don't Re Hard

Don't Re Hard

On the car drivers and conductors. Don't order them about, or speak harshly to them. They are overworked and underpaid men, exposed to all kind of weather with. Held, that the return was defended to everything calculated to rob them of their health. They suffer from rheumatism, neuralgia, liver complaint, and on the 12th day of February, 1884, at 11 o'clock a m., and executed the same 18th February, 1884, by delivering to Mrs. A. A. Horloday and W. H. Holladay, the within-named defendants, in person, a true copy of this citation was served on their health. They suffer from rheumatism, neuralgia, liver complaint, and on both defendants. (Films was Greeken.) 1t cures dyspepsia, Opinion by Robertson, J.
a ia. C. M. Nobje vs. Orange County, appeal

from Orange. In a suit against a county for the recovery of money the petition is fatally defective when it is not alleged boat the claim had been presented to and rejected by the county commissioners' rendered, that is, that he take nothing by right to retain as commission on money his suit. This judgment having been received and dishurand by him. Hold rendered the refusal of the court to strike out the defendant's answer will not be to institute and maintain the action withhad not repudiated the claim will not alter the rule, as without a proper aver-ment such proof was inadmissible. Af-firmed. Opinion by Robertson, J.

C. A Jones vs. Banks et al., appeal from San Jacinto. A request for written find-ings by the trial court under the statute is not satisfied by a statement of the evidence, however full it may be; the party making the request is entitled to know what the court believes are the true facts, which are material, and which are condered. The court, when requested, must elsewhere is unauthorized, unsecured, and not the evidence, but from the evi-

sary that the jury should find the Mart Usser value of each piece of property taken from Webb. away. value, and the right of the defendant to return it or any part of it, and thus re-lieve himself from liability in whole or in part, ceases. Nor will the fact that there of Laredo had assumed control of the was a prayer for a recovery of the specithe property in case the other relief could be sended. He can be granted, deprive the plaintiff of authorized to make such contracts. Held, the right to the relief which she ejected that it not being shown that the school that it not being shown that the school can be sended. have. Affirmed. Opinion by Stayton,

not confine the right of appeal from Jusnent there rendered exceeds but gives it when such may be The superintendent of public schools the judgment, or when the amount in had no authority to command the city to but ontroversy shall exceed that sum, 820, but the plaintiff claimed the right to stablish and purchase a lien on property atleged to be of value greater than that them to pay salaries of private schools, sum. The matter therefore in controversuch as this one was. Such a case is besy was not only the debt, but the lien, and the value of the latter being greater than \$20, the district court had jurisdiction of the appeal. (Marshall v. Taylor, Texas 255 Affirmed Opinion by

David Jordan vs. H. W. Moore, appeal compel the county judge o transfer the from the county to the district court. wife of appelice were sisters, and that the estate of appellee and wife. Held, that made a party, she was so in legal effect, When arrested Scott the wife, and a judgment in while the evidence is purely circum-character of the find nor affect the

ont by Nalle against the city of Laredo apon a money judgment against G. By In this case the witness stated certain the answer to the with the city admitted a things to be true, which other witnesses balance due to G. but alleged that it was stated to the contrary. This was simply due him as contractor for building a pubthe nim as contractor for outloing a pure it commet of evidence, and out not justify lie half for the city, and that the upney so the calling of witnesses to show reputaheld and owing was a special fund thou Affirmed. Opinion by Stayton, J.
created for the purpose of paying for such city soil, and that it was not a part.
Railway Company, appeal from Jefferson.

aldered as perpetus, ing the right in such correct. Affirmed. Opinion by Willie, cases in which, at the date of its adoption, C. J.

jection to the refusal of a jury in a contest which contemplated the acquisition to the refusal of a jury in a contest in the county court, for the reason that the right remains Candiff until Otober, 1884, when Candiff inviolate, though denied in the court of instinstance, if the right to appeal and the jury trial on appeal are secured. In this same reservation is made in a contest over the averaging of a settler. a contest over the execution of a will in deed the district court, whether by appeal or 1866

a contest over the execution of a will in the district court, whether by appeal or brought in that court originally, a jury may be demanded.

In this case the probate proceedings were in the county court and removed to the district court on account of the district court on account of the district court on account of the discontended that it being a probate proceeding contended that it being a probate proceeding sale by Cundiff was that of a tenant in common with Daily, and after Daily's sale with Read, and in legal effect was possession of Bally and then the possession of Read. In 1866 Ligon's 400 acres was a greated by a survey. Held, the court did not err in charging "that if Ligon's interest was an undivided interest in the whole league, his possession after the sale by Cundiff was that of a tenant in common with Daily, and after Daily's sale with Read, and in legal effect was possession of Bally and then the possession of Read." This instruction is in account with Read. In 1866 Ligon's 400 acres was as though the contest were being con-ducted in the county court. There being cord with Read vs. Alien, 63 Tex., 154 ducted in the county court. There being cord with Read vs. Alien, 63 Tex., 154. no appeal from the result of the proceeding in the district court sitting for Ligon, Read had no benefit from as a probate court, to the same tribunal as a final trial court to sustain the rule contended for, would be to deny a trial by jury in such cases. Where a cause is removed to the district court for trial denove the practice of that pour gaverns the proceedings and not evition. court for this denote the proceedings, and not ertson, J.

B. D. Crary vs. Harris & Son, appeal

was predicated. Affirmed. Opinion by Robertson, J.

and sought a recovery for the benefit of the creditors. Sheldon ad-Dun mitted the indebtedness and claimed a set-off to the amount of an unsatisfied judgment in his favor wilson. This is a conviction for theft, against Martin as assignce. Exception thelevidence that two mares, suiting the dewas sustained to this answer. Held, that as the answer further alleged that the the prosecutor, were judgment was also for a fereclesure of a vendor's lien on goods in Martin's posthe goods were to be delivered to him in satisfaction of the judgment, and that at with signors having received the benefit of the goods upon which defendant had a lien, they were in equity bound to account to to that extent, and there no reason why the setoff could not be pleaded in this action, the goods undelivered being a liquidated demand. Reversed and remanded: Oplnion by Willie, C. J.

from Houston. Action in the name of the county judge, W B Wall, for the use | Zien.ent of certain goods the county pudge. court. The plaintin's perition being de-fective in this respect there was but one and sureties on his official bond to recovjudgment that could properly have been or money which the treasurer claimed the Aspellant was employed by the firm in the county judge had the right and power considered. The fact that there is proof out pleading or proving that he was di-tending to show the commissioners' court rected to do so by the commissioners' out pleading or proving that he was di-

The county received drafts for insurance on public buildings destroyed, and they came to the hands of the county judge, and were placed in bank for collection under an agreement with the the excess in night and receiving checks bank to collect without charge, the bank which he delivered to defendant in Galto retain the money until needed in building a court-house and jail. Held, the county judge had no authority to Heid, that the defendant had possessed the county judge had no authority to of the goods in Galveston as agent of the place the money which belonged to the firm, and the facts authorized a conviction of the custody of any person firm, and the facts authorized a conviction of the custody of the cust dered. The court, when requested, must and ought not to be made. The county dence what the facts of the case are, treasurer was entitled to commission on Reversed and remanded. Opinion by the amount collected on the drafts at the prosecuted if there is no issue or questrate allowed at the date of the collection. George Roller vs. M. Robertson, appeal and placing the money in other custody

Mart Ussery vs. City of Laredo; appeal The appellant taught school The plaintiff elects to recover its under a contract made with three persons claiming to be trustees of public schools by appointment of the county judge. Prelons to the date of this contract the city taught by appellant had ever been recog-G. P. Smith vs. Giles et al., appeal from the city as a public school, and that force does neither the city nor its trustees had betice's courts to cases in whice the ju g- tract, the city council were right in refuscome in any manner parties to the coning to pay him.

pay the claim, and even admitting that he this case the debt shed for was less than had the authority to reverse the action of the city council in refusing the claim of a ile teacher, he had no power to order youd his jurisdiction, and the city was not bound by his order on the subject. by his order on the subject. Affirmed. Opinion by Willie, C. J.

W. D Cleveland et al. vs. Cole et al. ippeal from San Jacinto, Where an affidavit for a continuance is in strict empliance with the statute, the court has no discretion in the matter, and must grant. (29 Tex. 275.)

the husband and wife, (21 Tex. 61; 23 Tex 25); and are liable for the debts of

Where property is partly purchased the wife, and a judgment in favor of or with the separate estate of the wife, and against him will bind the wife as fully as spartly with the means of a different character, the wife's separate interest in it is proportionate to the amount her separate estate contributed towards its purchase. Reversed and remanded. Opinion by Willie, C. J.

King & Davidson vs. Steele & Bro., appeal from Beagos. Where the reputahis reputation, nor to prove that at some Other time he had made statements va-City of Laredo vs. J. seph. Salls, appeal riant to those given in evidence, the party rom. Web. Writ of garmanment sund producing him cannot call witnesses to

prove kis good reputation.

of the general revenue of the city and not. At the time this appeal was taken from liable to the writ. Reld, that the pay-Pittabling, Pa. Feb. 4 — is consequence lishite to the writ. Reid, that the payof the atmost total stongage of the supply ment to Natic under the garnishment,
of coke a number of blust dignates have providing it would be in effect a payment already been banked up, and it the strike to G, and not a misappropriation of the lists two weeks longer it is expected that a great majority of the formatics in this policy which prevents it being liable undistrict will have to about form.

cases in which. Lethe date of its adoption, it had been a universally recognized and firmly exablished as in the contests arising over the proof of wills. Construction of the same language in later or claim of the same language in Darts vs. Daris (34 Tex. 1), and of the principle that it should be held vold only to the extent of the conflict with the higher law, there is no constitutional objection to the refusal of a jury in a continued. Affirmed. Opinion by Willie, C. J.

M. A. R. Allen vs. J. L. Melivaine, applied from Houston. Suit involved the to land and defendant claimed under statute of tended and defendant claimed under to fall ague, which was conveyed to Cundiff, April 28, 1859. Ligon, who had been on the league for several pears, continued to the refusal of a jury in a continued. from Daily to R ad. Ligon's 400 scres

that of the court a quo.

There was error in allowing a witness to state at opinion of the decedent's capacity to make a will, after he had testiliability of Crary on the existence of a field to the facts upon which the opinion upon acts, which, so far as the were concerned, would fix that Hability. T. C. Sheldon vs. R. Martin, appeal from Webb Martin, in his capacity as assignee, such Sheldon on a note executed to him as assignee and represent the control of the cont the versed and remanded. Opinion by Stayton, J.

scription of those alleged to belong to rouning in the range with the stock of Mrs. Crain, with-in about two miles of defendant's house; session, and that under an agreement be-tween the assignee and the defendant, fendant sold them to one Roberts, without consent of the owner, and fraudulent intent. There intent. the time of execution of the note saed on is no evidence that the defendant it was agreed that defendant did not ever had possession of the animals. waive the balance due on the indement. Held, that under the definition of their in or his lien, the creditors of Martin's as our code there must be a taking of the our code there must be a taking of the property. While it is not necessary show aspertation there must have been possession of the property by the thief. There can be no theft without trespass. Hardeman vs. State, 12 ch. app. 207; P. C. art. 721, 726; Bish criminal law, 2 vol. sec. 799-899. The evidence did not warrant a conviction for their. Reversed and manded. Opinion by Hurt, J.

> ziement of certain goods, the property of J. Bernham and N. Ridlick, partners under the firm name of Jacob Bernham & Co Galveston as drummer and the goods were samples furnished him by the firm. These goods were selected and packed in trunks, defendant being present. Luling was the point to which they were to be shipped by rail, at which point appellant was to leave the reliroad and travel through the country. When the goods were packed, at the request of defendant Riddick went to the depot in Galveston and shipped the trunks to Luling, paying the excess in night and receiving checks veston. Defendant sold the samples to a A deposit tion in Galveston county. P. C. Art. 786; unsecured, Cole vs. State 16 Ct. App. 461.

It is unnecessary to charge upon the limitation within which an offense may be Whilst the record shows that Ridlick, one damages for the conversion of the sep-damages for the conversion of the sep-arate property of the wife, it is not neces-by Stayton, J.

Dinion had not given his consent to the conver-sion, no such want of consent was shown of the firm, appeared and testified that he as to the other partner, Bernham. Held, proved the state's case was not made out. Reversed and remanded. Opinion by

Z A. Stevens vs. the State, appeal from Milam. Where in an indictment for murder alleges that the homicide was with "malice aforethought," it is unnecessary o allege that it was "unlawful." If com mitted with matice aforethought it was necessarily unlawful.

The homicide occurred at a dance given to children at the house of Davis. The deceased was the son-in-law of Mrs. Davis. Defendant had come to the dance with Davis, who was the head of the family. On the trial Mrs. Davis was allowed, over objection, to testify that she had not invited defendant to her house; that there was bad feeling on her part towards defendant and to detail its cause Held, inadmis-sible as being relevant and of such a character as to improperly influence the

Where the character of the defendant is not put in issue by the evidence it was improper for counsel for the state to discu-s his character in his argument to the Reversed and remanded. Opinion

Geo. H. Moore vs. the State, appeal from Grayson. The indictment for swiddling alleges that defendant represented that he had certain large sums crops grown upon the land of the wife, although the labor and other means used in its production are of her separate estate, becomes the community estate of the husband and wife. (2) The content of the state of the husband and wife. (2) The content of the land certain large sums of money on deposit in the bank. It was proved that he represented that he is no material variance in the allegation and proof. Where we had certain large sums of the sum of the state of the bank. this case professes to give the substance of the representations, it is not necessary to prove them with minute exactness by only with that degree of certainty which will serve satisfactorily to identify the representations proved with those alleged

The indictment alleges the amount tained to have been \$100, while the evidence shows that he obtained \$109 There is no fatal variance; it was only secessary to snow that the amount of tained was over \$20. I Bish. crim. law. The bank had

book keepers, a teller and a cor-responding clerk. The cashler testi-fied that each of these persons were Midland, Tex., Feb. 3.—Mr. Marshall, authorized to and did receive money from the hands of depositors, and that the corresponding clerk received all money sent by mail or express by depositors; that the bank kept a deposit book, and on this book all deposits were entered, or supposed to be entered, in regular business of the bank; that entered, in the fendant had never deposited any money in the bank within his knowledge; that the books showed no deposit by defendant. He could not state whether or fund and there is no rule of law or public public which prevents it being liable under the writ. Affirmed. Opinion by Willie, C. J.

M. Cockrill et al. as Cox et al., appeal without bond in such ease, as it was only intended to provide for cases where the mode of proceeding is not prevented by statute.

The amendment now in force did not from Fayette. The prevision in the constitution of 1876 that the right of trial by jury shall remain inviolate, must be considered. As soon as the bank or by circumstances, the falsity of defendant's representation that he had money in said bank, beyond a reasonable doubt, and the evidence given is not sufficient for this purpose. Reversed and resupplies here, Midland being the nearest labeling the opinion by Willson, J.

Russ Chumley vs. the State, appeal from Italian being the nearest and being the nearest labeling the opinion of the bank or by circumstances, the falsity of defendant's representation that he had money in said bank, beyond a reasonable doubt, and the evidence given is not sufficient for this purpose. Reversed and resupplies here, Midland being the nearest and being the nearest labeling the nearest and the bank or by circumstances, the falsity of defendant's representation that he had money in said bank, beyond a reasonable doubt, and the evidence given is not sufficient for this purpose. Reversed and resupplies here, Midland being the nearest labeling the nearest labeling the bank or by circumstances, the falsity of defendant's representation that he bank or by circumstances, the falsity of defendant's representation that he bank or by circumstances, the falsity of defendant's representation that he bank or by circumstances, the falsity of defendant's representation that he bank or by circumstances, the falsity of defendant's representation that he bank or by circumstances, the falsity of defendant's representation that he bank or by circumstances, the falsity of defendant's representation that he bank or by circumstances, the falsity of defendant's representa

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MONTAGUE, TEX., Feb.

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Milam. Where the indictment alleges that Blum & Co. of Galveston, that until Bernham's non-consent was proved the state's case was not made out. there is no error in charging that an animal have promised to have there running on its accustomed range is in the possession of its owner. The statute their trade from Colorad refers to the range of the animal and not

of the owner. Affirmed. Per curiam. Nas. Caton vs the State, appeal from Red river. A witness for the state upon cross- for handling stock and supexamination said, "I r said to Mr. Smith have country lying north might said to Mr. Smith and Mr. Dodd upon the day of the cutting and but a short time thereafter that deceased stepped back and put his hand behind him and on his hip, and that de-fendant thereupon cut him, but I do not remember doing so, and do not think 1 dld. Yet, if I made any such statement I suppose it was the truth, as it was immediately after the difficulty." Held, that them. this evidence only went to ment of the witness and did not necessary a charge upon self-defense.

Jurisdiction—Where the conviction is for a misdemeanor and the punishment is Special to the Gazette. fixed by the judgment at imprisonment in the county jail, this court will presume, to THE GAZETTE of the record not showing to the contrary, that the defendant is in custody, and will from Montague to see Il entertain jurisdiction of the appeal alling to put up the \$10.000. though there is no recognizance in the offered, and that the record, nor any affirmative showing that ed to run the road to the appellant is in jail. Motion to dismiss appeal denied. Per curiam.

Affirmed per curiam.

An End to Bone Scraping.

Edward Shepherd of Harrisburg, Ilis., says: "Having received so much benefit from Electric Bitt rs I feel it my duty to pany is also untrue, My et suffering humanity know it. Have there have been no negote had a running sore on my leg for eight ence to any such sale, years; my doctors told me I would have ment is without founds to have the bone scraped or leg ampu-tated. I used, instead, three bottles of Electric Bitters and seven boxes of Buck-the outgrowth of a delalen's Arnica Saive and my leg is now halinemation of the sound and well."

Electric Bitters are now sold at 50 cents a bottle and Bucklen's Arnica Salve at 25 over her would-be cents per box by H. W. Williams & Co.

## MIDLAND.

MIDIAND, TEX., Feb. 3 .- Mr. Marshall, of the firm of Jones & Co., of Chicago, was here the last of last week, and closed the details with the business men of Mid-land for the trail to the capital syndicate ranch in Lamb and Hockley counties. Jones & Co. are to open the road, put in wells and horse power pumping machinery, troughs, etc., for operating this and other important ranches to be opened in the near future on the lands owned by the capital syndicate. Owing to the necessity for haste in completing the work, Jones & Co. have started a part of their stuff from Colorade and part from Big Spring. In the very highest de the Fort Worth Chi not the other employes in the bank had received any money from defendant.

None of the other employes testified in the case. Held, that it was incumbent upon the state in this case to prove in some manner, either by the employes of the bank or by circumstances, the falsite the work is done all the business of this dirm will be done from Midiand, and Col.

Taylor, who is to stock and assures us, do Call and see for yourself and the still the still

To publish a full list require the entire dis

lives have been saved by discovery. Trial buttles Williams & Co.'s drug sic